

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HERMAN LEE BARTON, JR.,

Plaintiff,

v.

SNOHOMISH COUNTY SHERIFF'S
DEPARTMENT,

Defendant.

Case No. C15-411 JCC-BAT

**REPORT AND
RECOMMENDATION**

Plaintiff Herman Lee Barton, Jr., proceeding pro se, submitted a proposed 42 U.S.C. § 1983 civil rights complaint. Dkt. 1. He did not pay the Court's filing fee nor did he submit an application to proceed in forma pauperis (IFP). *Id.* By letter dated March 16, 2015, the Clerk informed Plaintiff that submission was deficient and that he must pay the filing fee or submit an IFP application by April 17, 2015 or his action could be dismissed. Dkt. 2. On March 25, 2015, the Post Office returned the Clerk's letter to Mr. Barton marked "Return to Sender" "Released." Dkt. 4.

Local Civil Rule ("LCR") 10(f) requires represented and unrepresented parties to notify the Court of any change of address or telephone number within 10 days of the change. LCR 41(b)(2) further provides:

A party proceeding pro se shall keep the court and opposing parties advised as to

1 his current address. If mail directed to a pro se plaintiff by the clerk is returned by
2 the Post Office, and if such plaintiff fails to notify the court and opposing parties
3 within 60 days thereafter of his current address, the court may dismiss the action
4 without prejudice for failure to prosecute.

5 To date, Plaintiff has not notified the Court of his current address and has not filed
6 anything to further prosecute this action. Accordingly, the Court recommends **DISMISSING**
7 this action without prejudice pursuant to Local Rule CR 41(b)(2) for failure to prosecute. A
8 proposed order accompanies this Report and Recommendation.

9 Any objections to this Recommendation must be filed no later than **Tuesday, June 16,**
10 **2015.** The Clerk should note the matter for **Thursday, June 18, 2015,** as ready for the District
11 Judge's consideration if no objection is filed. If Plaintiff files an objection, he must note the
12 matter for the Court's consideration 14 days from the date the objection is filed and served.
13 Objections shall not exceed seven (7) pages. The failure to timely object may affect the right to
14 appeal.

15 DATED this 26th day of May, 2015.

16 

17 BRIAN A. TSUCHIDA
18 United States Magistrate Judge
19
20
21
22
23